

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy No. 17-23484
Donald J. Kosakowski AND,	:	Chapter 13
Muriel A. Kosakowski,	:	
Debtors	:	
	:	Document No. <u>35</u>
Donald J. Kosakowski AND,	:	
Muriel A. Kosakowski,	:	
Movants	:	
v.	:	
	:	
Rushmore Loan Management	:	
Services, LLC,	:	
	:	
AND	:	
	:	
Ronda J. Winnecour/Esquire	:	
Chapter 13 Trustee,	:	
Respondents	:	

FILED
1/5/18 4:42 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

INTERIM MORTGAGE MODIFICATION ORDER

On January 2, 2018 the above named Debtor and Rushmore Loan Management Services (“Creditor”) entered into a trial modification (the “Trial Modification”), through the Court’s *Loss Mitigation Program* (LMP), with respect to the first mortgage on the Debtor’s residence. The terms of the Trial Modification require monthly payments in the amount of **\$850.00** (“Trial Payments”) to begin on **February 1, 2018** and to continue in that amount until **April 1, 2018** (the “Trial Modification Period”). In light of the need for an immediate change in the distribution to the Creditor, the Debtor requests the Court to enter this *Interim Mortgage Modification Order* until a final, permanent modification can be presented to the Court for approval.

AND NOW, this 5th day of January, **2018**, for the foregoing reasons it is hereby ***ORDERED***, ***ADJUDGED and DECREED*** that:

The Chapter 13 Trustee is authorized and directed to modify the distributions to the above-named Creditor, with a payment address of Rushmore Loan Management Services, LLC, Attn: Home Retention Department, 5480 Laguna Canyon Road, Suite 100, Irvine, C 92618 for the Trial Modification Period.

Each Trial Payment shall be made in the amount of **\$850.00** for the following months: February 1, 2018, March 1, 2018 and April 1, 2018.

Following the Trial Modification Period, the Chapter 13 Trustee shall continue to make distributions in the same amount as the Trial Payments until further Order of Court.

(1) In the event that a Permanent Modification is reached between the Parties, the Debtor *immediately* shall file a *Motion to Authorize the Loan Modification* in compliance with *W.P.A.LBR 9020-6(d)*.

(2) The LMP Period is extended until fourteen (14) days after the expiration of the Trial Modification Period. If the Debtor has not filed a *Motion to Authorize the Loan Modification* within fourteen (14) days after the expiration of the Trial Modification Period, then the Debtor shall *immediately* file and serve either a *Motion to Extend the Loss Modification Period* pursuant to *W.P.A.LBR 9020-5(b)* or a *Motion to Terminate the Loss Modification Program* pursuant to *W.P.A.LBR 9020-5(c)* that sets forth the specific reasons why an agreement was not reached.

(3) Any Party may seek a further hearing regarding the amendment or termination of this *Order* at any time during the Trial Modification Period by filing an appropriate Motion.

(4) Within three (3) days of entry of this *Order*, Debtor shall serve this *Order* electronically on the Chapter 13 Trustee at the following email address: **LMP@chapter13trusteewdpa.com** and Debtor shall not be entitled to rely on CM/ECF or United States Mail for service of this *Order* on the Chapter 13 Trustee. The Debtor's Certificate of Service shall reflect service upon the above identified email address.

Dated: 1/5/18



Judge Gregory J. Taddonio hct
UNITED STATES BANKRUPTCY JUDGE

Case administrator to serve:

Debtor(s)
Counsel for Debtor(s)
[Counsel for Creditor]
Ronda J. Winnecour, Esq. Ch 13 Trustee

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Donald J Kosakowski
Muriel A Kosakowski
Debtors

Case No. 17-23484-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: culy
Form ID: pdf900

Page 1 of 1
Total Noticed: 2

Date Rcvd: Jan 08, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 10, 2018.

db/jdb +Donald J Kosakowski, Muriel A Kosakowski, 619 West Ascension Drive,
West Mifflin, PA 15122-3805
14685170 +Phelan Hallinan Diamond & Jones LLP, 1617 JFK Boulevard, Suite 1400,
One Penn Center Plaza, Philadelphia, PA 19103-1814

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 10, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 5, 2018 at the address(es) listed below:

Allison L. Carr on behalf of Creditor Duquesne Light Company acarr@bernsteinlaw.com,
acarr@ecf.courtdrive.com;cwirick@ecf.courtdrive.com
Daniel P. Foster on behalf of Joint Debtor Muriel A Kosakowski dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor Donald J Kosakowski dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com;anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana
Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust
bkgroup@kmlawgroup.com
Karina Velter on behalf of Creditor Wells Fargo USA Holdings Inc. amps@manleydeas.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Richard M. Squire on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a
Christiana Trust, not individually but as Trustee for Pretium Mortgage Acquisition Trust
lcolwell@squirelaw.com, kdiskin@squirelaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 9